

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:

Jonathan M. Phelan : Bankruptcy Case No. 17-10526-TPA  
*Debtor(s)* : Chapter 13

**PLAN CONFIRMATION ORDER**

**AND NOW**, this **12th** of **January, 2022**, it is hereby **ORDERED, ADJUDGED and DECREED**, with the consent of all the Parties in attendance, as follows:

**A** The Chapter 13 Plan dated **November 18, 2021**, except as modified herein as numbered, below, is **CONFIRMED** in accord with **11 USC 1325**. On the effective date of this Order, the Chapter 13 Trustee shall pay administrative, secured and priority creditors identified in the Plan. General unsecured creditors will not receive distributions at least until the government bar date has passed and the Chapter 13 Trustee has submitted a *Notice of Intention to Pay Claims* to the Court.

**1.** For the remainder of the Plan term, the periodic Plan payment is to be **\$2033** as of **January, 2022**. Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order. (A2)

**2.** The secured claim(s) of the following Creditor(s), including all allowed post-petition payment changes filed prior to this Confirmation Order, shall govern: **Freedom Mortgage Cl.#5**. (B14)

**3.** A Fee Application must be filed if fees (including retainer) exceed **\$4,000**, including any fees paid to prior Counsel. (B17)

**B IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:**

**1. Objections to the Plan:** This Order is effective as of the date indicated below. Pursuant to **Fed.R.Bankr.P. 2002(b)**, any party in interest with an objection to any provision of this Confirmation Order must file a written objection within the twenty-eight (28) day period following entry of this Order. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may only disburse funds pursuant to this confirmation order upon expiration of the foregoing twenty-eight (28) day period.

**2. Applications to retain brokers, sales agents, or other professionals.** If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

**3. Review of Claims Docket and Objections to Claims.** Pursuant to **LBR 3021-1(c)(2)**, the Debtor or Debtor's attorney, if represented, shall review all proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

**4. Motions or Complaints Pursuant to §§506, 507, or 522.** All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to **11 U.S.C. §§506, 507 and 522** shall be filed within ninety (90) days after the claims bar date.

**5. Filing Amended Plans.** Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the Plan. Debtor(s) shall also file Revised 7/26/2021

an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

**C IT IS FURTHER ORDERED THAT:**

**1.** Plan terms are subject to the resolution of: timely but yet to be filed claims including government claims; all actions to determine the avoidability, priority or extent of liens, including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.

**2.** Following payment of allowed secured and priority claims the allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.

**3.** After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

**4.** Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

**5.** Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' Counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

**6.** Debtor(s) shall file an Amended Schedule I and/or J in the event of:

(a) Household income increases by 10% or more over most the recently filed Schedule I, because of new employment, promotion, or otherwise.

(b) A reduction in payroll withholding (including any Domestic Support Obligation and retirement loan(s) repayments), or a 10% or more reduction of any line item expense on Schedule J.

(c) Any indicated increase in disposable income as a result of an increase in income or decrease in payroll withholding or Schedule J expense (and the fund created for the benefit of general Unsecured Creditors) is retroactive to the date of the payoff of the obligation, decrease in expense, or increase in household income.

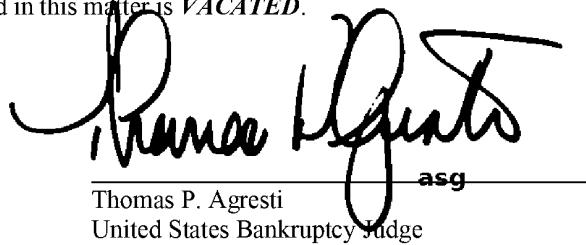
**7.** Debtor(s) shall provide Trustee annual tax returns and statements of income and expenses, in accordance with Section 521(f) and (g), and shall file an amended plan reflecting any increase in disposable income retroactive to date of increase.

**8.** Debtor's counsel must file a fee application in accordance with *W.P.A.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

**9.** The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising preconfirmation defaults in any subsequent motion to dismiss.

**10.** In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any secured claim that is secured by the subject property, unless directed otherwise by further Order of Court.

11. Any prior Confirmation Order entered in this matter is *VACATED*.



The image shows a handwritten signature in black ink, which appears to read "Thomas P. Agresti". To the right of the signature, the letters "asg" are handwritten.

Thomas P. Agresti  
United States Bankruptcy Judge

cc: All Parties in interest to be served by Clerk in seven (7) days

In re:  
Jonathan M. Phelan  
Debtor

Case No. 17-10526-TPA  
Chapter 13

District/off: 0315-1  
Date Rcvd: Jan 12, 2022

User: lfin  
Form ID: pdf900

Page 1 of 2  
Total Noticed: 19

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
++	Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. § 342(f)/Fed. R. Bank. P. 2002(g)(4).
##	Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

**Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jan 14, 2022:**

Recip ID	Recipient Name and Address
db	+ Jonathan M. Phelan, 10407 Hemingway Court, Las Vegas, NV 89149-1210
14521273	+ Bank of America, PO Box 982238, El Paso, TX 79998-2238
14687306	Court of Common Pleas of Mercer County, Mercer County Courthouse, North Diamond Street, Mercer, PA 16137
14521276	+ Freedom Mortgage Corporation, 907 Pleasant Valley Avenue, Suite 3, Mount Laurel, NJ 08054-1210
14685539	+ Freedom Mortgage Corporation, 10500 Kincaid Drive, Fishers, IN 46037-9764
14687307	+ Infirst Federal Credit Union f/k/a Narfe, 6462 Little River Turnpike, Alexandria, VA 22312-1411
14521278	++ NORTHWEST SAVINGS BANK, P O BOX 337, WARREN PA 16365-0337 address filed with court:, Northwest Savings Bank, 100 Liberty St, Warren, PA 16365
14521277	+ Northwest Savings Bank, 100 Liberty St, PO Box 788, Warren, PA 16365-0788
14687308	+ Silverman Theologou, LLP, Douglas Blecki, 11200 Rockville Pike, Suite 520, Rockville, MD 20852-7105
14521280	+ USAA Credit Cards, 10750 McDermott Fwy, San Antonio, TX 78288-1600
14521281	USAA Federal Savings Bank, PO Box 47504, San Antonio, TX 78265
14707819	+ USAA SAVINGS BANK, Robertson, Anschutz, Schneid., Crane & Partners, PLLC, 10700 Abbotts Bridge Road, Suite 170, Duluth, GA 30097-8461

TOTAL: 12

**Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.**

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
cr	+ Email/PDF: acg.acg.ebn@aisinfo.com	Jan 12 2022 23:58:19	Ally Bank, c/o AIS Portfolio Services, LP, 4515 N Santa Fe Ave. Dept. APS, Oklahoma City, OK 73118-7901
cr	+ Email/Text: bncmail@w-legal.com	Jan 13 2022 00:01:00	USAA Federal Savings Bank, c/o Weinstein & Riley, P.S., 2001 Western Avenue, Suite 400, Seattle, WA 98121-3132
14641123	Email/Text: ally@ebn.phinsolutions.com	Jan 13 2022 00:00:00	Ally Bank, PO Box 130424, Roseville MN 55113-0004
14521272	Email/Text: ally@ebn.phinsolutions.com	Jan 13 2022 00:00:00	Ally Financial, PO Box 380901, Minneapolis, MN 55438-0901
14521274	Email/PDF: ais.chase.ebn@aisinfo.com	Jan 12 2022 23:58:50	Chase/Bank One Card Services, PO Box 15298, Wilmington, DE 19850
14521279	+ Email/Text: specialservicing@sofi.com	Jan 13 2022 00:01:00	SoFi Lending Corp, One Letterman Drive, Building A, Suite 4700, San Francisco, CA 94129-1512
14652889	+ Email/Text: RASEBN@raslg.com	Jan 13 2022 00:00:00	USAA Federal Savings Bank, Robertson, Anschutz, Schneid., Crane & Partners, PLLC, 10700 Abbotts Bridge Road, Suite 170, Duluth, GA 30097-8461

TOTAL: 7

District/off: 0315-1

User: lfin

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Date Rcvd: Jan 12, 2022

Form ID: pdf900

Total Noticed: 19

## BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
cr	*+	Freedom Mortgage Corporation, 10500 Kincaid Drive, Fishers, IN 46037-9764
14521275	##+	Deana Phelan, 492 N Liberty Road, Grove City, PA 16127-3834

TOTAL: 0 Undeliverable, 1 Duplicate, 1 Out of date forwarding address

## NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Jan 14, 2022

Signature: /s/Joseph Speetjens

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## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 12, 2022 at the address(es) listed below:

Name	Email Address
Brian Nicholas	on behalf of Creditor Freedom Mortgage Corporation bnicholas@kmllawgroup.com
Brian C. Thompson	on behalf of Debtor Jonathan M. Phelan bthompson@ThompsonAttorney.com blemon@thompsonattorney.com;bthompson@ecf.courtdrive.com;jcastello@thompsonattorney.com;kfinke@thompsonattorney.co m
Charles Griffin Wohlrab	on behalf of Creditor USAA Federal Savings Bank cwohlrab@raslg.com
Lois M. Vitti	on behalf of Creditor Freedom Mortgage Corporation nicole@vittilaw.com loismvitti@vittilaw.com
Mario J. Hanyon	on behalf of Creditor Freedom Mortgage Corporation wbefc@brockandscott.com mario.hanyon@brockandscott.com
Office of the United States Trustee	ustpregion03.pi.ecf@usdoj.gov
Ronda J. Winnecour	cmevf@chapter13trusteedpda.com
Thomas Song	on behalf of Creditor Freedom Mortgage Corporation thomas.song@phelanhallinan.com

TOTAL: 8